



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,239	11/15/2001	William Buresh	2000P09063 US01	2128

7590

10/05/2005

Jack Schwartz & Associates
1350 Broadway
Suite 1510
New York, NY 10018

EXAMINER

HANNE, SARA M

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,239

Applicant(s)

BURESH ET AL.

Examiner

Sara M. Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

PD

DETAILED ACTION

1. This action is responsive to the amendment received on July 21, 2005.

Claims 1-19 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-8, 14-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al., US Patent 2002/0036662, hereinafter Gauthier and further in view of Microsoft Word.

As in Claim 1, Gauthier teaches a method in a computer system comprising receiving instructions from the user to select a tabular format (The URL of Figure 10 is accessed), in response to the selection, displaying to the user a menu of data selections each data selection providing a cell arrangement (Figure 10 is a menu of data selections each row is a cell arrangement, differing from the other rows by presentation of what it contains) for display in tabular format (Figure 11 and corresponding text), and adjusting dimensions of a selected cell within a selected one of cell arrangements to permit display of a data selection (inherent in Gauthier by the inclusion of Microsoft Excel. All Excel documents provide user expandable and contractible columns and rows so that

Art Unit: 2179

all of the data may be displayed to the user). While Gauthier teaches selection of tabular format, displaying cell arrangements for selection by the user to display a table and adjusting the dimensions of a selected cell, they fail to explicitly teach the predetermined fixed user selectable cell arrangements for display as recited in the claims. In the same field of the invention, Microsoft Word teaches a table creation method similar to that of Gauthier. In addition, Microsoft Word further teaches the user instructing the system to select a table format, displaying a menu of data selections, each providing a one of a plurality of predetermined, fixed user selectable cell arrangements (see screen shots describing the "Insert Table" toolbar function). It would have been obvious to one of ordinary skill in the art, having the teachings of Gauthier and Microsoft Word before him at the time the invention was made, to modify the table presentation method taught by Gauthier to include the predetermined fixed user selectable cell arrangements for display of Microsoft Word, in order to obtain fixed predefined cell arrangements for data display within a table. One would have been motivated to make such a combination because user defined layout would have been obtained, as taught by Microsoft Word.

As in Claim 2, Gauthier teaches the an arrangement having a first row with a first number of columns and a second row with a different second number of columns (Fig. 3, ref. 340, the first row has 5 columns and the second row has 7 columns).

Art Unit: 2179

As in Claim 4, Gauthier teaches the activity of displaying to the user a color selection menu listing possible background color choices for each selected portion of the tabular format (Fig. 9, step 930).

As in Claim 5, Gauthier teaches displaying to the user a file name selection menu displaying a region in which all previous user selections may be saved for future use (Figure 4, Microsoft Excel Book 1, save function and Pg. 15, Par. 128 et seq.).

As in Claim 6, Gauthier teaches a display specification method, comprising the activities of displaying an image set of predefined tables each having a plurality of cells in a respective one of a plurality of user selectable cell arrangements (Figure 10 is a menu of data selections each row is a cell arrangement, differing from the other rows by presentation of what it contains), selecting one of the predefined tables (Figure 4, ref. 340), displaying the predetermined arrangement of cells defined by the predefined table (Figure 5), displaying a data selection menu for cells in the predefined table (Figures 5 and 18) selecting one data set from the data selection menu for a cell (Col A); and in response to the selection of adjusting the dimensions of some cells to permit legible data display (inherent in Excel to change dimensions of a cell to permit display see claim 1 *supra*) While Gauthier teaches selection of tabular format, displaying cell arrangements for selection by the user to display a table and adjusting the dimensions of a selected cell, they fail to explicitly teach the predetermined fixed user selectable cell arrangements for display as recited in the claims. In the same field of the invention, Microsoft Word teaches a table

Art Unit: 2179

creation method similar to that of Gauthier. In addition, Microsoft Word further teaches the user instructing the system to select a table format, displaying a menu of data selections, each providing a one of a plurality of predetermined, fixed user selectable cell arrangements (see screen shots describing the "Insert Table" toolbar function). It would have been obvious to one of ordinary skill in the art, having the teachings of Gauthier and Microsoft Word before him at the time the invention was made, to modify the table presentation method taught by Gauthier to include the predetermined fixed user selectable cell arrangements for display of Microsoft Word, in order to obtain fixed predefined cell arrangements for data display within a table. One would have been motivated to make such a combination because user defined layout would have been obtained, as taught by Microsoft Word.

As in Claim 7, Gauthier teaches positioning an indicator of a pointing device over a cell border within the selected table, selecting the border of the cell, moving the indicator and selecting the desired position to define a new cell border location (feature of Microsoft excel).

As in Claim 8, Gauthier teaches positioning an indicator of a pointing device over a border of a column containing at least two cells within the selected table, selecting the border of the column, moving the indicator and selecting the desired position to define a new cell border location, and redimensioning the cells within the column so as to abut the new column border location (feature of Microsoft excel).

As in Claims 14, 15 and 19, Microsoft Word teaches a varying number of rows for each column in the cell arrangement (See Microsoft Word Screenshots figure 1).

As in Claims 17-18, both Gauthier and Microsoft Word teach adjusting only the width of cells in a single row of a cell arrangement having a plurality of rows (See Claim 7 *supra* and Microsoft Word Screenshots Figures 1-2).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al., US Patent 5809266, hereinafter Gauthier and Microsoft Word, and further in view of Kumagai, US Patent 5812983.

As in Claim 3, Gauthier and Microsoft Word teach a user section of tabular format from a list of predefined formats, displaying a menu of data selections to be placed within portions of the tabular format, and adjusting dimensions of portions of the tabular format to permit display of the data selections (See rejection of Claims 1 and 6 *supra*). While Gauthier and Microsoft Word teach the table display and assigning of data to selected cells by a manual pointing device, they fail to show the user selecting two waveforms from the menu to be displayed simultaneously within the first cell, one superimposed upon the second as recited in the claims. In the same field of the invention, Kumagai teaches a selectable spreadsheet interface for displaying data similar to that of Gauthier and Microsoft Word. In addition, Kumagai further teaches the user selecting two waveforms from the menu to be displayed simultaneously within the first cell, one superimposed upon the second (Figures 5 and 12b with corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings

of Gauthier and Microsoft Word and Kumagai before him at the time the invention was made, to modify the selection of a predefined table, cell data assignment and cell dimensioning taught by Gauthier and Microsoft Word to include the user selection of two waveforms to be displayed simultaneously within the first selected portion of the tabular format of Smith, in order to obtain display of two waveforms within one selected cell. One would have been motivated to make such a combination because a direct visual comparison of data within the same axes would have been obtained, as taught by Kumagai (Col. 3 line 32 et seq.).

5. Claims 9-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al., US Patent 5809266, hereinafter Gauthier, and Microsoft Word, further in view of Smith et al., hereinafter Smith, US Patent 6188407.

Gauthier and Microsoft Word teach selecting a table from a menu of tables each having a plurality of cells in a respective one of a plurality of predetermined fixed user selectable cell arrangements (Figure 10 is a menu of data selections each row is a cell arrangement, differing from the other rows by presentation of what it contains, in Figure 10 several tables have been selected and are displayed in Figure 11, however only one may be selected as is done in Figures 4-5), and a table display with multiple cells and assignment of data to the 2 cells by user selection by manipulation of a manual pointing device (See rejection of Claim 1, containing the motivation for combining Gauthier and Microsoft Word and Claim 6 *supra* and Figure 12 with corresponding text). While Gauthier and Microsoft Word teaches the table display and assigning of data to selected cells

Art Unit: 2179

by a manual pointing device, they fail to show the streams of real time medical data as the information within the cells as recited in the claims. In the same field of the invention, Smith teaches a selectable interface for displaying data similar to that of Gauthier. In addition, Smith further teaches selection and display of real time medical data onscreen (Figure 2, ref. 24 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Gauthier and Microsoft Word and Smith before him at the time the invention was made, to modify the selection of a predefined table, cell data assignment and cell dimensioning taught by Gauthier and Microsoft Word to include the display of real time medical data of Smith, in order to obtain a tabular interface for selection and display of real time medical data. One would have been motivated to make such a combination because a user-customized medical parameter tracking method would have been obtained, as taught by Smith.

As in Claim 10, Gauthier teaches the activity of displaying a display selection menu upon selecting a cell within the table (See Claim 1 rejection *supra*).

As in Claim 11, Gauthier teaches the activity of listing in association the display selection menu a choice of data and cell appearance submenus (See Claim 4 rejection *supra*).

As in Claim 12, Gauthier teaches saving the displayed table, creating a second table having multiple cells; and inserting the saved table into a cell of the second table (Pg. 7, Par. 68 et seq.).

Art Unit: 2179

As in Claim 13, Gauthier teaches inserting a display generated in response to an Internet connection into a cell of the second table (Figure 12 and corresponding text).

As in Claim 16, Microsoft Word teaches a varying number of rows for each column in the cell arrangement (See Microsoft Word Screenshots figure 1).

Response to Arguments

4. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

In response to the arguments that the cited prior art fails to teach data selection providing a cell arrangement for display in tabular format, the examiner notes the teachings of Figures 10 and 11, wherein data selection in Figure 10 provides a cell arrangement shown in figure 11 in tabular format. There are a plurality of different cell arrangements dependent upon the selections in Figure 10. In response to the new issue in the amendment that the cell arrangements are "predetermined, fixed user selectable cell arrangements", the examiner presents Microsoft Word screenshots for further support.

In response to applicant's argument that there is no suggestion to combine the references Gauthier and Kumagai as in Claim 3, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both teach inserting data into cells and Kumagai teaches why doing so is useful with waveform data streams (comparing data, Col. 3 line 32 et seq.).

In response to the argument that Smith fails to teach obtaining a first and second stream of real-time medical data, the examiner disagrees. Figure 2 of Smith illustrates inserting waveforms in the Waveform field 25, the waveforms representing Vital sign datum which are streams of real-time medical data.

In response to applicant's argument that there is no suggestion to combine the references of Smith et al. and Gauthier et al., the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Smith et al. is presented only to show that displaying streams medical data, customizable by the user, has been taught before the application and that this data may be implemented in such a way taught by Gauthier et al. Both references discuss assigning data to a particular area or cell, and therefore are combined to solve similar problems of user-selectable data displays.

New Claims 14-19 have been rejected as can be seen *supra*.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar medical monitoring systems and tabular customizable interfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax

Art Unit: 2179

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER